



Rep. Scott Drury

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1 AMENDMENT TO SENATE BILL 1009

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1009, AS AMENDED,  
3 by replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Criminal Code of 2012 is amended by adding  
6 Section 11-23.5 as follows:

7 (720 ILCS 5/11-23.5 new)

8 Sec. 11-23.5. Non-consensual dissemination of private  
9 sexual images.

10 (a) Definitions. For the purposes of this Section:

11 "Computer", "computer program", and "data" have the  
12 meanings ascribed to them in Section 17-0.5 of this Code.

13 "Image" includes a photograph, film, videotape,  
14 digital recording, or other depiction or portrayal of an  
15 object, including a human body.

16 "Intimate parts" means the fully unclothed, partially

1 unclothed or transparently clothed genitals, pubic area,  
2 anus, or if the person is female, a partially or fully  
3 exposed nipple, including exposure through transparent  
4 clothing.

5 "Sexual act" means sexual penetration, masturbation,  
6 or sexual activity.

7 "Sexual activity" means any:

8 (1) knowing touching or fondling by the victim or  
9 another person or animal, either directly or through  
10 clothing, of the sex organs, anus, or breast of the  
11 victim or another person or animal for the purpose of  
12 sexual gratification or arousal; or

13 (2) any transfer or transmission of semen upon any  
14 part of the clothed or unclothed body of the victim,  
15 for the purpose of sexual gratification or arousal of  
16 the victim or another; or

17 (3) an act of urination within a sexual context; or

18 (4) any bondage, fetter, or sadism masochism; or

19 (5) sadomasochism abuse in any sexual context.

20 (b) A person commits non-consensual dissemination of  
21 private sexual images when he or she:

22 (1) intentionally disseminates an image of another  
23 person:

24 (A) who is at least 18 years of age; and

25 (B) who is identifiable from the image itself or  
26 information displayed in connection with the image;

1           and

2                   (C) who is engaged in a sexual act or whose  
3                   intimate parts are exposed, in whole or in part; and

4                   (2) obtains the image under circumstances in which a  
5                   reasonable person would know or understand that the image  
6                   was to remain private; and

7                   (3) knows or should have known that the person in the  
8                   image has not consented to the dissemination.

9           (c) The following activities are exempt from the provisions  
10 of this Section:

11                   (1) The intentional dissemination of an image of  
12 another identifiable person who is engaged in a sexual act  
13 or whose intimate parts are exposed when the dissemination  
14 is made for the purpose of a criminal investigation that is  
15 otherwise lawful.

16                   (2) The intentional dissemination of an image of  
17 another identifiable person who is engaged in a sexual act  
18 or whose intimate parts are exposed when the dissemination  
19 is for the purpose of, or in connection with, the reporting  
20 of unlawful conduct.

21                   (3) The intentional dissemination of an image of  
22 another identifiable person who is engaged in a sexual act  
23 or whose intimate parts are exposed when the images involve  
24 voluntary exposure in public or commercial settings.

25                   (4) The intentional dissemination of an image of  
26 another identifiable person who is engaged in a sexual act

1 or whose intimate parts are exposed when the dissemination  
2 serves a lawful public purpose.

3 (d) Nothing in this Section shall be construed to impose  
4 liability upon the following entities solely as a result of  
5 content or information provided by another person:

6 (1) an interactive computer service, as defined in 47  
7 U.S.C. 230(f)(2);

8 (2) a provider of public mobile services or private  
9 radio services, as defined in Section 13-214 of the Public  
10 Utilities Act; or

11 (3) a telecommunications network or broadband  
12 provider.

13 (e) A person convicted under this Section is subject to the  
14 forfeiture provisions in Article 124B of the Code of Criminal  
15 Procedure of 1963.

16 (f) Sentence. Non-consensual dissemination of private  
17 sexual images is a Class 4 felony.

18 Section 10. The Code of Criminal Procedure of 1963 is  
19 amended by changing Sections 124B-10 and 124B-500 as follows:

20 (725 ILCS 5/124B-10)

21 Sec. 124B-10. Applicability; offenses. This Article  
22 applies to forfeiture of property in connection with the  
23 following:

24 (1) A violation of Section 10-9 or 10A-10 of the

1 Criminal Code of 1961 or the Criminal Code of 2012  
2 (involuntary servitude; involuntary servitude of a minor;  
3 or trafficking in persons).

4 (2) A violation of subdivision (a)(1) of Section  
5 11-14.4 of the Criminal Code of 1961 or the Criminal Code  
6 of 2012 (promoting juvenile prostitution) or a violation of  
7 Section 11-17.1 of the Criminal Code of 1961 (keeping a  
8 place of juvenile prostitution).

9 (3) A violation of subdivision (a)(4) of Section  
10 11-14.4 of the Criminal Code of 1961 or the Criminal Code  
11 of 2012 (promoting juvenile prostitution) or a violation of  
12 Section 11-19.2 of the Criminal Code of 1961 (exploitation  
13 of a child).

14 (4) A second or subsequent violation of Section 11-20  
15 of the Criminal Code of 1961 or the Criminal Code of 2012  
16 (obscenity).

17 (5) A violation of Section 11-20.1 of the Criminal Code  
18 of 1961 or the Criminal Code of 2012 (child pornography).

19 (6) A violation of Section 11-20.1B or 11-20.3 of the  
20 Criminal Code of 1961 (aggravated child pornography).

21 (6.5) A violation of Section 11-23.5 of the Criminal  
22 Code of 2012.

23 (7) A violation of Section 12C-65 of the Criminal Code  
24 of 2012 or Article 44 of the Criminal Code of 1961  
25 (unlawful transfer of a telecommunications device to a  
26 minor).

1 (8) A violation of Section 17-50 or Section 16D-5 of  
2 the Criminal Code of 2012 or the Criminal Code of 1961  
3 (computer fraud).

4 (9) A felony violation of Section 17-6.3 or Article 17B  
5 of the Criminal Code of 2012 or the Criminal Code of 1961  
6 (WIC fraud).

7 (10) A felony violation of Section 48-1 of the Criminal  
8 Code of 2012 or Section 26-5 of the Criminal Code of 1961  
9 (dog fighting).

10 (11) A violation of Article 29D of the Criminal Code of  
11 1961 or the Criminal Code of 2012 (terrorism).

12 (12) A felony violation of Section 4.01 of the Humane  
13 Care for Animals Act (animals in entertainment).

14 (Source: P.A. 96-712, eff. 1-1-10; 96-1551, eff. 7-1-11;  
15 97-897, eff. 1-1-13; 97-1108, eff. 1-1-13; 97-1109, eff.  
16 1-1-13; 97-1150, eff. 1-25-13.)

17 (725 ILCS 5/124B-500)

18 Sec. 124B-500. Persons and property subject to forfeiture.  
19 A person who commits ~~the offense of~~ child pornography, ~~or~~  
20 aggravated child pornography, or non-consensual dissemination  
21 of private sexual images under Section 11-20.1, 11-20.1B, ~~or~~  
22 11-20.3, or 11-23.5 of the Criminal Code of 1961 or the  
23 Criminal Code of 2012 shall forfeit the following property to  
24 the State of Illinois:

25 (1) Any profits or proceeds and any property the person

1 has acquired or maintained in violation of Section 11-20.1,  
2 11-20.1B, ~~or~~ 11-20.3, or 11-23.5 of the Criminal Code of  
3 1961 or the Criminal Code of 2012 that the sentencing court  
4 determines, after a forfeiture hearing under this Article,  
5 to have been acquired or maintained as a result of child  
6 pornography, ~~or~~ aggravated child pornography, or  
7 non-consensual dissemination of private sexual images.

8 (2) Any interest in, securities of, claim against, or  
9 property or contractual right of any kind affording a  
10 source of influence over any enterprise that the person has  
11 established, operated, controlled, or conducted in  
12 violation of Section 11-20.1, 11-20.1B, ~~or~~ 11-20.3, or  
13 11-23.5 of the Criminal Code of 1961 or the Criminal Code  
14 of 2012 that the sentencing court determines, after a  
15 forfeiture hearing under this Article, to have been  
16 acquired or maintained as a result of child pornography, ~~or~~  
17 aggravated child pornography, or non-consensual  
18 dissemination of private sexual images.

19 (3) Any computer that contains a depiction of child  
20 pornography in any encoded or decoded format in violation  
21 of Section 11-20.1, 11-20.1B, or 11-20.3 of the Criminal  
22 Code of 1961 or the Criminal Code of 2012. For purposes of  
23 this paragraph (3), "computer" has the meaning ascribed to  
24 it in Section 17-0.5 of the Criminal Code of 2012.

25 (Source: P.A. 97-1150, eff. 1-25-13; 98-1013, eff. 1-1-15.)".